

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-14 are pending in the present application. Claims 1 and 9 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 9. By way of this Reply, claims 1 and 4 have been amended, and claims 9-14 have been cancelled without prejudice and disclaimer.

Claim Amendments

Independent claim 1 has been amended by way of this Reply, to require the first command executing program to identify a next command to be executed by means of link data after executing a first command, and to require means to search for the next command as identified by the link data. No new matter has been added by way of these amendments as support for these amendments may be found, for example, in page 4, line 19 – page 5, line 14, and in page 6, line 24 – page 7, line 4 of the present application.

Claim 4 has been amended to correct a minor typographical error. No new matter has been added by way of this amendment.

Rejections under 35 U.S.C § 103

Claims 1-3, 5, 7, and 8

Claims 1-3, 5, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over PCT Patent Application Publication No. 98/09257 in the name of Lisimaque *et al.* (hereinafter “Lisimaque”), and further in view of U.S. Patent No. 6,202,209 issued to Bartholomew *et al.* (hereinafter “Bartholomew”). Independent claim 1 has been amended in this Reply to clarify the present invention recited. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

The present invention is directed to a device to load commands from a server onto at least one integrated circuit card connected to a subscriber unit. Amended independent claim 1 requires, in part, (i) a first command execution program (P1) for executing a first command and subsequently identifying a next command to be executed by means of link data stored in the memory of the card; and (ii) a means to search for the next command as identified by the link data in the first memory and, if the next command is not to be found, to search in a server for a command sequence block (B) including the next command.

Lisimaque, in contrast to the present invention, does not disclose executing a first command and subsequently identifying a next command by means of a pre-stored link data. Further, Lisimaque is completely silent with respect to having a means to search for the next command as identified by the link data.

In the instant Office Action, the Examiner asserts (page 3, lines 4 – 6) that Lisimaque “implies that the card has to perform some kind of search operation to recognize if the application selected is not initialized or present; further application being located in non-volatile memory ...” Applicant respectfully disagrees. Referring to FIG. 8 and the associated text (page 21, lines 1 – 8) of Lisimaque, it clearly reads that “If the application selected is not initialized or present in the smart card, *the method ends in step 206*” (emphasis added), and step 206 clearly shows “selection failed” and that no further action is taken.

Like Lisimaque, Bartholomew also fails to disclose all the limitations of amended independent claim 1 of the present application and does not supply that which Lisimaque lacks. Bartholomew, which is directed to programming a PCMCIA card, is completely silent at least with respect to searching for a next command based on link data before turning to the server.

In view of the above, Lisimaque and Bartholomew, whether considered separately or in combination, fail to show or suggest the present invention as recited in amended independent claim 1. Thus, amended independent claim 1 is patentable over Lisimaque and Bartholomew. Dependent claims 2, 3, 5, 7, and 8 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 4

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lisimaque in view of Bartholomew and further in view of U.S. Patent No. 5,899,998 issued to McGauley *et al.* (hereinafter "McGauley"). Independent claim 1, from which claim 4 depends, has been amended in this Reply to clarify the present invention recited. To the extent that this rejection may still apply to dependent claim 4, the rejection is respectfully traversed.

As discussed above, Lisimaque and Bartholomew fail to show or suggest the present invention as recited in amended independent claim 1 of the present application. McGauley, like Lisimaque and Bartholomew, also fails to show or suggest the present invention as recited in amended independent claim 1 of the present application and does not supply that which Lisimaque and Bartholomew lack.

McGauley is directed to a system and method of updating computerized medical records from a distributed database, and is completely silent at least with respect to identifying a next command to be executed by means of link data.

In view of the above, Lisimaque, Bartholomew, and McGauley, whether taken separately or in combination, fail to show or suggest the present invention as recited in amended independent claim 1. Thus, amended independent claim 1 is patentable over Lisimaque, Bartholomew and McGauley. Dependent claim 4 is allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 6

Claim 6 stands rejected under 35 U.S.C. § 103 as being unpatentable over Lisimaque in view of Bartholomew and further in view of U.S. Patent No. 5,467,081 issued to Drews *et al.* (hereinafter "Drews"). Independent claim 1, from which claim 6 depends, has been amended in this Reply to clarify the present invention recited. To the extent that this rejection may still apply to dependent claim 6, the rejection is respectfully traversed.

As discussed above, Lisimaque and Bartholomew fail to show or suggest the present invention as recited in amended independent claim 1 of the present application. Drews, like Lisimaque and Bartholomew, also fails to show or suggest the present invention as recited in amended independent claim 1 of the present application and does not supply that which Lisimaque and Bartholomew lack.

Drews is directed to a portable data carrier with separate read and write zones, and is completely silent at least with respect to identifying a next command to be executed by means of link data.

In view of the above, Lisimaque, Bartholomew, and Drews, whether taken separately or in combination, fail to show or suggest the present invention as recited in amended independent claim 1. Thus, amended independent claim 1 is patentable over Lisimaque, Bartholomew, and Drews. Dependent claim 6 is allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9-14

Claim 9-14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lisimaque in view of Bartholomew further in view McGauley. Claims 9 – 14 have been canceled by way of this Reply. Thus, this rejection is now moot.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please allow for a one-month extension of time, and apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09669.021001).

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Respectfully submitted,

By 

Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant